

<p>1</p> <p>Notice of Allowability</p>	Application No.	Applicant(s)	
	10/642,389	FRALEIGH ET AL.	
	Examiner Susan C. Alimenti	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview conducted on 11/24/04.
2. ☒ The allowed claim(s) is/are 12,13,17-19,30,33 and 35-44.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Eric J. Hanson on 24 November 2004.

2. The application has been amended as follows:

Claims 1-11 (canceled)

12. (currently amended) A planting bed for ~~container-plants~~ plants in a container comprising;

- a. a raised planting bed;
- b. a weed-deterring material covering the raised planting bed;
- c. a ~~container-plant~~ plant in a container contained in a hole in the raised planting bed;
- d. a water line directed to the ~~container-plant~~ plant in a container; and
- e. a temperature controlling line beneath the weed-deterring material for controlling the bed temperature, wherein the temperature controlling line is a driptape.

13. (currently amended) The planting bed of claim 12, further comprising a rooting-deterrent material between the ~~container-plant~~ plant in a container and the hole in the raised bed.

Claims 14-16 (canceled)

17. (currently amended) The planting bed of claim 12, wherein the water line includes a spray emitter and is an individual line to the ~~container-plant~~ plant in a container.

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18. (currently amended) The planting bed of claim 17, wherein the spray emitter is attached to a container holding the ~~container-plant~~ plant in a container.

19. (currently amended) The planting bed of claim 13 wherein the water line includes a spray emitter and is an individual line to the ~~container-plant~~ plant in a container.

Claims 20-29 (canceled)

30. (currently amended) A method for growing ~~container-plant~~ plants in a container comprising:

a. providing a ~~container-plant~~ plant in a container in a raised bed, wherein the raised bed includes a cover material and wherein the cover material is a water-permeable weed barrier;

b. providing a temperature control line beneath the cover material to control temperature in the raised bed surrounding the ~~container-plant~~ plant in a container, wherein the temperature control line includes driptape and moistens the bed surrounding the ~~container-plant~~ plant in a container; and

c. providing a water line for hydrating inside the ~~container-plant~~ plant in a container wherein the water line includes a spray emitter.

Claims 31 and 32 (canceled)

33. (currently amended) A method for growing container plants comprising;

a. providing a ~~container-plant~~ plant in a container in a raised bed, wherein the raised bed includes a cover material and wherein the cover material is a water-permeable weed barrier

b. providing a temperature control line beneath the cover material to control temperature in the raised bed surrounding the ~~container-plant~~ plant in a container;

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c. providing a watering line for hydrating inside the ~~container-plant~~ plant in a container; and

d. providing a rooting-deterrent material between the ~~container-plant~~ plant in a container and a hole in the bed holding the ~~container-plant~~ plant in a container.

Claim 34 (canceled)

35. (currently amended) The planting bed of claim 12, wherein the ~~container-plant~~ plant in a container is wrapped in a rooting-deterrent material.

36. (previously presented) The ~~method~~ planting bed of claim 35, wherein the rooting-deterrent material includes polypropylene fabric.

37. (currently amended) The ~~method~~ planting bed of claim 13, wherein the rooting-deterrent material includes polypropylene fabric.

38. (currently amended) The method of claim 29 30, further comprising providing a rooting-deterrent material between the ~~container-plant~~ plant in a container and the raised bed.

39. (currently amended) The method of claim 29 30, further comprising providing a plurality of ~~container-plants~~ plants in a container in the raised bed and providing each ~~container-plant~~ plant in a container with an individual watering line.

40. (currently amended) The method of claim 39, wherein each individual watering line includes a spray emitter for watering each ~~container-plant~~ plant in a container,

41 . (currently amended) The method of claim 33, wherein the temperature control line moistens the bed surrounding the ~~container-plant~~ plant in a container.

42 (previously presented) The method of claim 41, wherein the watering line includes a spray emitter.

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43. (previously presented) The method of claim 33, wherein the watering line includes a spray emitter.

44. (currently amended) The method of claim 33, further comprising providing a plurality of ~~container plants~~ plants in a container in the raised bed and providing each ~~container plant~~ plant in a container with an individual watering line.

3. Upon further review of the application, the examiner noted that in claims 42 and 44, “water” should be changed to --watering-- based on independent claim 33, and similarly in claim 39 “watering” should be changed to --water-- based on independent claim 30.

4. The following changes to the drawings are suggested by the examiner: Figures 9 and 10 appear to be in an informal format and should be revised. It is also brought to applicant’s attention that the photos of Figures 2A, 2B, 6A and 6B are difficult to discern. In order to avoid abandonment of the application, applicant must make these above drawing changes.

5. The following is an examiner’s statement of reasons for allowance: The prior art made of record fails to show a plant in a container that is placed in a raised planting bed, having a driptape temperature control means and covered with a weed deterring material, and wherein a water line is directed to the plant container.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is 703-306-0360.

The examiner can normally be reached on Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703-305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TERI PHAM LUU
SUPERVISORY
PRIMARY EXAMINER

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